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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Eric Owhadi et al.

Confirmation No.: 9562

Application No.: 10/652,892

Examiner: Tuyetlien T. Tran

Filing Date: August 29, 2003

Group Art Unit: 2179

Title: Technical Support Systems and Methods for Use in Providing Technical Support

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 07/12/2011.

The fee for filing this Appeal Brief is \$540.00 (37 CFR 41.20). minus \$510 previously paid for
 No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

1st Month \$130 2nd Month \$490 3rd Month \$1110 4th Month \$1730

The extension fee has already been filed in this application.

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$30.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Eric Owhadi et al.

By: /Steven L. Nichols/

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

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APPEAL BRIEF

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Sir:

This is an Appeal Brief under Rule 41.37 appealing the decision of the Primary Examiner dated May 12, 2011 (the “final Office Action”). Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 11445 Compaq Center Dr. W., Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellant is aware.

III. Status of Claims

Claims 21-25 had been canceled previously without prejudice or disclaimer. Thus, claims 1-20 are currently pending in the application and stand finally rejected. Accordingly, Appellant appeals from the final rejection of claims 1-20, which claims are presented in the Appendix.

IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action of May 12, 2011, from which Appellant takes this appeal.

V. Summary of Claimed Subject Matter

A summary is given below of the subject matter defined in each of the independent claims on appeal and the subject matter defined in any claim on appeal reciting a “means plus function” clause in accordance with the requirements of 35 C.F.R. § 41.37(c)(1)(v). The citation to passages in the specification and drawings for each claim element does not imply that the limitations from the cited passages in the specification and drawings should be read into the corresponding claim elements. *See Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004); M.P.E.P. § 2111.01(II).

By way of background and without limitation of the claims, the present application, in one example, is directed to a method of obtaining technical support for a data-processing device (10), comprising initiating (21) a support session during which device-specific data is conveyed from the device to a support provider (11) to assist the support provider in responding to a support query (*Appellant’s Specification*, p. 5, l. 4 - p. 6, l. 13). The support provider is then polled (26) for a response to the query, on a repeated and automated basis, until a response becomes available or the support session is terminated (*Appellant’s Specification*, p. 6, l. 23 - p. 7, l. 29; Figs. 1-4). So that the support provider can indicate when a response becomes available, use is made of a response flag which is added to the appropriate support provider URL as and when a response becomes available. (*Appellant’s Specification*, p. 7. ll. 13-18). This flag is detected by the polling application, with detection of the flag causing the polling application to notify the user of that fact, such as by way of a "pop-up" message, audible notification, e-mail or the like. (*Id.*).

Turning now to the claims, Appellant’s independent claims at issue in this appeal recite the following subject matter.

Claim 1:

A method of obtaining technical support for a data-processing device, comprising initiating (21) a support session during which device-specific data is conveyed from the device to a support provider system (11) to assist the support provider in responding to a support query (*Appellant's Specification*, p. 5, l. 4 - p. 6, l. 13), and polling (26) the support provider's system with a polling application to determine whether the support provider has indicated a response to the query has been made available, on a repeated and automated basis (*Appellant's Specification*, p. 5, l. 4 - p. 6, l. 13), until a response becomes available (27) or the support session is terminated, in which a response flag (*Appellant's Specification*, Fig. 2) is added to the support provider's system when a response becomes available and in which the flag is detected by the polling application (*Appellant's Specification*, p. 7, l. 15-18) which notifies a user of the data-processing device that the response has become available (*Appellant's Specification*, p. 7, l. 15-18).

Claim 13:

A method of providing asynchronous web-based active technical support from a support provider to a user of an electronic device (10) during a support session (*Appellant's Specification*, p. 5. ll. 6-10), the method comprising receiving (24) device-specific data to assist the support provider (11) in responding to a support query, dispatching (25) a polling application operative to poll the support provider's system in order to determine whether a response, indicated by a flag (*Appellant's Specification*, Fig. 2) associated with

with the support provider's uniform resource locator, has been made available and notifying the user that the response has become available (*Appellant's Specification*, p. 5, l. 4 - p. 6, l. 13), the polling application being dispatched, from or on behalf of the support provider (11), in response to an instruction generated using a trusted applet (*Appellant's Specification*, p. 5, l. 18 –p. 6, l. 15).

Claim 14:

A server-side technical support source (11) comprising a web server to participate in asynchronous messaging (*Appellant's Specification*, p. 5. ll. 6-10) with a client-side device (10), the support source (11) being operative to supply (25), to the device (10), a polling application (*Appellant's Specification*, p. 5. ll. 6-10) whereby repeated polling of the support source (11) is effected in order to determine if a response, indicated by a flag (*Appellant's Specification*, Fig. 2) associated with the support source (11), has been provided by the support source (11) and notify a user of the device (10) when the response has been provided, the polling application being supplied to the device using a trusted applet (*Appellant's Specification*, p. 5, l. 18 –p. 6, l. 15).

Claim 15:

A software element stored on memory of a data-processing device (10) for use in the provision of technical support to a user of the data-processing device (10), the software element being, in response to an indication of trust

being given by the user (*Appellant's Specification*, p. 5, l. 23 - p. 6, l. 3), operative to effect or permit a download (25) of a polling element whereby a support provider (11) may be polled, on a repeated and automated basis, in order to determine if a response (*Appellant's Specification*, p. 7. ll. 3-9), indicated by a flag (*Appellant's Specification*, Fig. 2) associated with the support provider (11), has been provided and notify the user when the response has been provided.

Claim 18:

A method of obtaining technical support for a data-processing device (*Appellant's Specification*, p. 5, ll. 1-5), comprising:
establishing (21) a support session using a web connection during which device-specific data is conveyed from the device to a support provider to assist the support provider in responding to a support query (*Appellant's Specification*, p. 5, ll. 1-5);
downloading (25) a polling application from the support provider (11) using a trusted applet (*Appellant's Specification*, p. 5, l. 23 - p. 6, l. 3) and polling (26), using the polling application, the support provider's system (11) for a response to the query, on a repeated and automated basis (*Appellant's Specification*, p. 7. ll. 3-9), in order to determine if a response, indicated by a flag (*Appellant's Specification*, Fig. 2) associated with the support provider, has become available or until the support session is terminated.

VI. Grounds of Rejection to be Reviewed on Appeal

The final Office Action raised the following grounds of rejection.

- (1) Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being patentable over the combined teachings of U.S. Patent No. 6,742,141 to Miller (“Miller”) and U.S. Patent Application Publication No. 2003/0040937 to Gregersen et al. (“Gregersen”).
- (2) Claims 3-7 were rejected under 35 U.S.C. § 103(a) as being patentable over the combined teachings of Miller, Gregersen, and U.S. Patent Application Publication No. 2002/0198834 to Kramer et al. (“Kramer”).
- (3) Claims 8, 9, and 12 were rejected under 35 U.S.C. § 103(a) as being patentable over the combined teachings of Miller, Gregersen, and U.S. Patent No. 6,145,096 to Bereiter et al. (“Bereiter”).
- (4) Claims 10, 11, 13-18, and 20 were rejected under 35 U.S.C. § 103(a) as being patentable over the combined teachings of Miller, Gregersen, Bereiter, and ‘Signed Applets, Browsers, and File Access’ April 1988, pp. 1-5 to Pawlan (“Pawlan”).
- (5) Claim 19 was rejected under 35 U.S.C. § 103(a) as being patentable over the combined teachings of Miller, Gregersen, Bereiter, Pawlan, and Kramer.

Accordingly, Appellant hereby requests review of each of these grounds of rejection in the present appeal.

VII. Argument

The claims do not stand or fall together. Instead, Appellant presents separate arguments for various independent and dependent claims. Each of these arguments is set forth below with separate headings and subheadings as required by 37 C.F.R. § 41.37(c)(1)(vii).

(1) Claims 1 and 3 are patentable over Miller and Gregersen:

Claim 1:

Claim 1 recites:

A method of obtaining technical support for a data-processing device, comprising initiating a support session during which device-specific data is conveyed from the device to a support provider system to assist the support provider in responding to a support query, and polling the support provider's system with a polling application to determine whether the support provider has indicated a response to the query has been made available, on a repeated and automated basis, until a response becomes available or the support session is terminated, in which *a response flag is added to the support provider's system when a response becomes available and in which the flag is detected by the polling application* which notifies a user of the data-processing device that the response has become available.

(Emphasis added).

In contrast, the cited references in any combination fail to teach or suggest a method of obtaining technical support for a data-processing device, comprising “a response flag is added to the support provider's system when a response becomes available and in which the flag is detected by the polling application.” (Claim 1).

In the final Office Action, the Office had asserted that “Miller teaches . . . in which a response flag is added to the support provider's system when a response becomes available and in which the flag is detected by the polling application (see Fig. 19 and col. 5 lines 35-44 and col. 18 lines 58-67).” (Final Office Action, p. 3). This is incorrect and the Office is

reading into Miller subject matter that is not taught. Specifically, Miller merely teaches that “[t]he customer site software periodically checks the status of the problem escalation” whereupon, if a resolution is found, it is “coded into the master knowledge base, [in which at] step 394 [the customer site software] *update[s]* **the customer knowledge base** from the master knowledge base.” (Miller, col. 5, ll. 39-42; col. 19, ll. 64-67) (emphasis added). Nowhere does Miller teach or suggest that “a response flag is added to the support provider’s system.” (Claim 1).

Still further, the Appellant notes that in rejecting claim 13 in the Final Office Action, the Office has conceded that “Miller does not teach . . . a flag associated with the support provider’s uniform resource locator.” (Final Office Action, p. 7). This statement is in direct conflict with the Office’s statements made in rejecting claim 1. However, the Appellant agrees with the Office’s statement that Miller does not teach or suggest “a response flag is added to the support provider’s system.” (Claim 1).

However, the office has also indicated that “Gregersen *teaches an indication/flag is detected* by the polling application . . . (see [0070] and [0147], [0148]; polling the server for an indication of whether relevant information is available for the user).” (*Id.*). However, Gregersen does not teach or suggest a response flag added to the support provider’s system or that a user is notified when a response is made available. Specifically, Gregersen teaches only that a server “detect[s] new information” and when that information is detected, “the users/clients are determined to which the information received is relevant.” (Gregersen, paras. 147, 148). Nowhere does Gregersen teach or suggest that a flag is added to the support provider’s system and subsequently detected by a polling application on a user’s data-processing device. (See Appellant’s Specification at, for example, p. 7, l. 13 – p. 8, l. 11).

The Supreme Court recently addressed the issue of obviousness in *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727 (2007). The Court stated that the *Graham v. John Deere Co. of Kansas City*, 383, U.S. 1 (1966), factors still control an obviousness inquiry. Under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the cited references did not include the claimed subject matter, particularly a method of obtaining technical support for a data-processing device, comprising a response flag is added to the support provider's system when a response becomes available and in which the flag is detected by the polling application which notifies a user of the data-processing device that the response has become available.

The differences between the cited references and the indicated claims are significant because recitation of claim 1 provides for a method of providing technical support in which a user may query and poll a support provider any number of times and in which the user may be notified of possible responses being available when the polling device detects a flag associated with the support provider's system. Thus, the claimed subject matter provides features and advantages not known or available in the cited references. Consequently, the cited references will not support a rejection of claim 1 under 35 U.S.C. § 103 and *Graham*. Therefore, for at least the reasons explained here, the rejection based on Miller and Gregersen of claim 1 and its dependent claims should not be sustained.

(2) Claims 3-7 are patentable over Miller, Gregersen and Kramer:

The rejection of claims 3-7 should not be sustained for at least the same reasons given above in favor of the patentability of independent claim 1.

(3) Claim 8, 9, and 12 are patentable over Miller, Gregersen, and Bereiter:

The rejection of claims 8, 9, and 12 should not be sustained for at least the same reasons given above in favor of the patentability of independent claim 1.

(4) Claims 10, 11, 13-18 and 20 are patentable over Miller, Gregersen, Bereiter, and Pawlan:

Claim 13

Claim 13 recites:

A method of providing asynchronous web-based active technical support from a support provider to a user of an electronic device during a support session, the method comprising receiving device-specific data to assist the support provider in responding to a support query, dispatching a polling application operative to poll the support provider's system in order to determine whether a response, *indicated by a flag associated with the support provider's uniform resource locator*, has been made available and notifying the user that the response has become available, the polling application being dispatched, from or on behalf of the support provider, in response to an instruction generated using a trusted applet.

(Emphasis added).

In contrast, the cited references in any combination fail to teach or suggest “[a] method of providing asynchronous web-based active technical support . . . comprising: . . . [a response] indicated by a flag associated with the support provider's uniform resource locator.” (Claim 13).

In the Final Office Action, the Office has conceded that “Miller does not teach . . . a flag associated with the support provider's uniform resource locator.” (Action, p. 7). To

overcome this deficiency, the Office relies on Gregersen and argues that “Gregersen teaches the indication/flag is associated with the provider's URL (see [0150]).” (*Id.*). Gregersen does not teach or suggest a response flag associated with the support provider's uniform resource locator. Specifically, Gregersen teaches only that information is transmitted to the client, and “[p]referably a URL/web-address is merely sent to a specified homepage comprising a the relevant information.” (Gregersen, para. 150). Therefore, Gregersen merely teaches that a uniform resource locator is provided to the client and does not teach or suggest that a response flag is added to the support provider's system.

Again, the Court stated that the *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), factors still control an obviousness inquiry. Under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the cited references did not include the claimed subject matter, particularly a method of providing asynchronous web-based active technical support from a support provider to a user of an electronic device during a support session, the method comprising indicated by a flag associated with the support provider's uniform resource locator, has been made available and notifying the user that the response has become available.

The differences between the cited references and the indicated claims are significant because recitation of claim 13 provides for a method of providing technical support in which a user may query and poll a support provider any number of times and in which the user may be notified of possible responses being available when the polling device detects a flag associated with the support provider's system. Thus, the claimed subject matter provides

features and advantages not known or available in the cited references. Consequently, the cited references will not support a rejection of claim 13 under 35 U.S.C. § 103 and *Graham*. Therefore, for at least the reasons explained here, the rejection based on Miller, Gregersen, Bereiter, and Pawlan of claim 13 should not be sustained.

Claim 14

Claim 14 recites:

A server-side technical support source comprising a web server to participate in asynchronous messaging with a client-side device, the support source being operative to supply, to the device, a polling application whereby repeated polling of the support source is effected in order to determine if a response, *indicated by a flag associated with the support source*, has been provided by the support source and notify a user of the device when the response has been provided, the polling application being supplied to the device using a trusted applet.

(Emphasis added).

In contrast, the cited references in any combination fail to teach or suggest “[a] server-side technical support source comprising: . . . a polling application whereby repeated polling of the support source is effected in order to determine if a response, indicated by a flag associated with the support source has been provided.” (Claim 14).

In the Final Office Action, the Office has conceded that “Miller does not teach a flag associated with the support provider.” (Action, p. 9). To overcome this deficiency, the Office relies on Gregersen and argues that “Gregersen teaches [an] indication/flag is associated with the provider's URL (see [0150]).” (*Id.*). Gregersen does not teach or suggest a response flag associated with the support provider. Specifically, Gregersen teaches only that a server is checked “until the server has received and detected *new information*.” (Gregersen, para.

(Gregersen, para. 147). Therefore, Gregersen does not teach that a flag is associated with the support source but instead relies on the user's system to check to see only if new information is available.

Again, the Court stated that the *Graham v. John Deere Co. of Kansas City*, 383, U.S. 1 (1966), factors still control an obviousness inquiry. Under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the cited references did not include the claimed subject matter, particularly a server-side technical support source comprising a polling application whereby repeated polling of the support source is effected in order to determine if a response, indicated by a flag associated with the support source, has been provided.

The differences between the cited references and the indicated claims are significant because recitation of claim 14 provides for a method of providing technical support in which a user may query and poll a support provider any number of times and in which the user may be notified of possible responses being available when the polling device detects a flag associated with the support provider's system. Thus, the claimed subject matter provides features and advantages not known or available in the cited references. Consequently, the cited references will not support a rejection of claim 14 under 35 U.S.C. § 103 and *Graham*. Therefore, for at least the reasons explained here, the rejection based on Miller, Gregersen, Bereiter, and Pawlan of claim 14 should not be sustained.

Claim 15

Claim 15 recites:

A software element stored on memory of a data-processing device for use in the provision of technical support to a user of the data-processing device, the software element being, in response to an indication of trust being given by the user, operative to effect or permit a download of a polling element whereby a support provider may be polled, on a repeated and automated basis, in order to determine if a response, ***indicated by a flag associated with the support provider***, has been provided and notify the user when the response has been provided.

(Emphasis added).

In contrast, the cited references in any combination fail to teach or suggest a software element stored on memory of a data-processing device “operative to effect or permit a download of a polling element whereby a support provider may be polled, on a repeated and automated basis, in order to determine if a response, indicated by a flag associated with the support provider, has been provided.” (Claim 15).

In the Final Office Action, the Office has stated that “claims 15 and 18 are . . . rejected under similar rationale” as that of claim 13. (Action, p. 10). Similar to claims 13, 14 and 15 above, Appellant argues that Gregersen does not teach or suggest a response, indicated by a flag associated with the support provider. Specifically, Gregersen teaches only that a server is checked “until the server has received and detected ***new information***.” (Gregersen, para. 147). Therefore, Gregersen does not teach that a flag is associated with the support source but instead relies on the user’s system to check to see only if new information is available.

Again, the Court stated that the *Graham v. John Deere Co. of Kansas City*, 383, U.S. 1 (1966), factors still control an obviousness inquiry. Under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art.

In the present case, the scope and content of the cited references did not include the claimed subject matter, particularly a software element stored on memory of a data-processing device, the software element being operative to determine if a response, indicated by a flag associated with the support provider, has been provided.

The differences between the cited references and the indicated claims are significant because recitation of claim 15 provides for a method of providing technical support in which a user may query and poll a support provider any number of times and in which the user may be notified of possible responses being available when the polling device detects a flag associated with the support provider's system. Thus, the claimed subject matter provides features and advantages not known or available in the cited references. Consequently, the cited references will not support a rejection of claim 15 under 35 U.S.C. § 103 and *Graham*. Therefore, for at least the reasons explained here, the rejection based on Miller, Gregersen, Bereiter, and Pawlan of claim 15 and its dependent claims should not be sustained.

Claim 18

Claim 18 recites:

A method of obtaining technical support for a data-processing device, comprising:

establishing a support session using a web connection during which device-specific data is conveyed from the device to a support provider to assist the support provider in responding to a support query;

downloading a polling application from the support provider using a trusted applet and polling, using the polling application, the support provider's system for a response to the query, on a repeated and automated basis, in order to determine if ***a response, indicated by a flag associated with the support provider***, has become available or until the support session is terminated.
(Emphasis added).

In contrast, the cited references in any combination fail to teach or suggest “[a] method of obtaining technical support for a data-processing device, comprising: . . .

downloading a polling application . . . in order to determine if a response, indicated by a flag associated with the support provider, has become available.” (Claim 18).

Again, the Office has stated that “claims 15 and 18 are . . . rejected under similar rationale” as that of claim 13. (Action, p. 10). Similar to claims 13, 14 and 15 above, Appellant argues that Gregersen does not teach or suggest a response, indicated by a flag associated with the support provider. Specifically, Gregersen teaches only that a server is checked “until the server has received and detected ***new information.***” (Gregersen, para. 147). Therefore, Gregersen does not teach that a flag is associated with the support source but instead relies on the user’s system to check to see only if new information is available.

Again, the Court stated that the *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), factors still control an obviousness inquiry. Under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the cited references did not include the claimed subject matter, particularly a method of obtaining technical support for a data-processing device, comprising downloading a polling application in order to determine if a response, indicated by a flag associated with the support provider, has become available.

The differences between the cited references and the indicated claims are significant because recitation of claim 18 provides for a method of providing technical support in which a user may query and poll a support provider any number of times and in which the user may be notified of possible responses being available when the polling device detects a flag associated with the support provider’s system. Thus, the claimed subject matter provides features and advantages not known or available in the cited references. Consequently, the

cited references will not support a rejection of claim 18 under 35 U.S.C. § 103 and *Graham*.

Therefore, for at least the reasons explained here, the rejection based on Miller, Gregersen, Bereiter, and Pawlan of claim 18 and its dependent claims should not be sustained.

(5) Claim 19 is patentable over Miller, Gregersen, Bereiter, Pawlan, and Kramer.

The rejection of claim 19 should not be sustained for at least the same reasons given above in favor of the patentability of independent claim 18.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of May 12, 2011 is respectfully requested.

Respectfully submitted,

DATE: September 12, 2011

/Steven L. Nichols/

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VIII. Claims Appendix

1. (previously presented) A method of obtaining technical support for a data-processing device, comprising initiating a support session during which device-specific data is conveyed from the device to a support provider system to assist the support provider in responding to a support query, and polling the support provider's system with a polling application to determine whether the support provider has indicated a response to the query has been made available, on a repeated and automated basis, until a response becomes available or the support session is terminated, in which a response flag is added to the support provider's system when a response becomes available and in which the flag is detected by the polling application which notifies a user of the data-processing device that the response has become available.

2. (previously presented) A method according to claim 1 wherein the polling application is obtained from the support provider.

3. (original) A method according to claim 2 wherein the polling application, during the support session, is executed subsequent to each boot or start-up sequence of the device.

4. (original) A method according to claim 2 wherein the polling application, during the support session, is stored on or on behalf of the device, in a manner whereby the application is executed subsequent to each boot or start-up sequence of the device.

5. (previously presented) A method according to claim 3 wherein, in a Windows operating system environment, a Run key located in or operatively associated with the registry of the device is used to execute the application, subsequent to each said boot or start-up sequence.
6. (original) A method according to claim 5 wherein, upon termination of the support session, the Run key is removed or disabled.
7. (original) A method according to claim 6 wherein the application subsequently is deleted using a delete command executed in accordance with a Run Once key located in or operatively associated with the registry.
8. (original) A method according to claim 2 wherein the support session is established using a web connection and wherein the polling application is downloaded from the support provider using an applet.
9. (original) A method according to claim 8 wherein the applet is operative to download a data harvester to gather the device-specific data.
10. (original) A method according to claim 8 wherein the applet is used only in response to an indication of trust being given by a user of the device.
11. (original) A method according to claim 10 wherein the support provider conveys to the user a trust request, agreement to the request allowing execution of the applet.

12. (previously presented) A method according to claim 1 wherein the polling is effected using hypertext transfer protocol.

13. (previously presented) A method of providing asynchronous web-based active technical support from a support provider to a user of an electronic device during a support session, the method comprising receiving device-specific data to assist the support provider in responding to a support query, dispatching a polling application operative to poll the support provider's system in order to determine whether a response, indicated by a flag associated with the support provider's uniform resource locator, has been made available and notifying the user that the response has become available, the polling application being dispatched, from or on behalf of the support provider, in response to an instruction generated using a trusted applet.

14. (previously presented) A server-side technical support source comprising a web server to participate in asynchronous messaging with a client-side device, the support source being operative to supply, to the device, a polling application whereby repeated polling of the support source is effected in order to determine if a response, indicated by a flag associated with the support source, has been provided by the support source and notify a user of the device when the response has been provided, the polling application being supplied to the device using a trusted applet.

15. (previously presented) A software element stored on memory of a data-processing device for use in the provision of technical support to a user of the data-processing device, the software element being, in response to an indication of trust being given by the

user, operative to effect or permit a download of a polling element whereby a support provider may be polled, on a repeated and automated basis, in order to determine if a response, indicated by a flag associated with the support provider, has been provided and notify the user when the response has been provided.

16. (previously presented) A software element according to claim 15 in the form of an applet, the polling element being transmissible from the support provider using hypertext transfer protocol.

17. (previously presented) A software element according to claim 16 wherein the polling element has a data footprint of no more than about 50 kilobytes.

18. (previously presented) A method of obtaining technical support for a data-processing device, comprising:

establishing a support session using a web connection during which device-specific data is conveyed from the device to a support provider to assist the support provider in responding to a support query;

downloading a polling application from the support provider using a trusted applet and polling, using the polling application, the support provider's system for a response to the query, on a repeated and automated basis, in order to determine if a response, indicated by a flag associated with the support provider, has become available or until the support session is terminated.

19. (original) A method according to claim 18 wherein the polling application, during the support session, is executed subsequent to each boot or start-up sequence of the device.

20. (original) A method according to claim 18 wherein the applet is operative to download a data harvester to gather the device-specific data.

21-25. (canceled)

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None